

City of Falls Church Legislative Program 2006 Virginia General Assembly **Table of Contents**

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Priority Positions

Telecommunication Taxes

Background: The General Assembly passed legislation in 2004 (HB1174) that sets the stage for sweeping change in the telecommunications tax system for local governments. The bill calls for a new statewide, uniform telecom tax rate of either 4.5 or 5 percent that would replace current local consumer utility taxes, E-911 charges, and possibly, cable franchise fees. In lieu of local taxing authority, the state would impose a uniform schedule of taxes on local and long-distance phone service, wireless phone service, paging, and (again possibly) cable and satellite television. The state would establish a new E911 fee not greater than 75 cents per line (landline and wireless). These revenues would be pooled by the state and allocated to local governments based upon their FY 2005 revenue collection.

The City, prior to September 2005, elected not to impose a cell phone tax despite state authority to do so. The proposed tax-restructuring plan will penalize the City for exercising restraint in using its full taxing authority. In the new structure, City taxpayers will pay the same taxes as other localities, but will receive less funds back from the state. In September 2005, the City Council enacted a cell phone tax as an attempt to prevent this from occurring. If City tax payers are to be fully protected, the General Assembly must either move the basis year to FY2006, or permit localities to receive future disbursements based on a locality's tax rates on the effective date of the legislation rather than on FY2005 tax receipts.

Position: The City of Falls Church is committed to protecting its long-term financial stability and ensuring a modern communications (i.e., telecommunications and information) service tax policy that treats corporate competitors equitably. Local governments must be guaranteed – on a locality by locality basis – just and growing communications service tax revenues in exchange for the local right of entry and regulation, adequate local consumer protections and services, and efficient local public safety answering point operations (E911 call centers).

The City urges that any changes contemplated as part of any telecommunications taxing or regulatory reform package should:

- allow for future growth of telecommunications services to result in commensurately higher tax revenues to localities;
- recognize the cable franchise fee as a fee for use of public land rights of way, not classify this fee as a telecommunications tax, and not impact local regulatory authority;
- allow E911 tax rates at a level sufficient to cover Public Safety Answering Point (PSAP) expenditures and stabilize the Wireless E 911 fund; (At our current rate of \$1.00 per landline per month, the revenues generated cover two-thirds of our PSAP costs in an average year. If reduced to \$.75, the revenues would cover less than one-half of our PSAP costs per year.)

- state that the General Assembly cannot take a portion of the revenues to make up for shortfalls in state general fund revenues; and
- move the basis year to FY2006 instead of FY2005, or distribute future tax revenues bases on the tax rates rather than tax receipts. (Either of these provisions will hold the City harmless for setting tax rates lower than state limits, particularly with respect to the cell phone tax.)

Photo Red

Background: In the mid 1990s, the General Assembly granted several jurisdictions, mostly in Northern Virginia, the authority to implement photo red programs. The authority for all of these programs expired on July 1, 2005. Jurisdictions that implemented photo red programs saw significant reductions in the number of vehicles running red lights at intersections where a photo red camera was installed. In addition, surveys conducted before and after the implementation of these programs showed strong public support for them. In December 2004, the Virginia Transportation Research Council (VTRC) released a review of the six current photo red programs in Virginia. The report concluded that the programs are technically and operationally feasible and recommended their continuation. The VTRC is finishing up the last phase of its study this fall and will have additional data on the effectiveness of this program.

Position: The City joins the Northern Virginia Region, Virginia Beach, and the VML in supporting legislation that would reinstate photo red authority for jurisdictions that previously had this authority.

Court Services Unit – State Funding

Background: The City operates a specialized Court Services Unit (CSU) to provide support to the 17th Juvenile and Domestic Relations District Court. The Code of Virginia authorizes a jurisdiction to operate a CSU (16.1-235B) and entitles it to receive reimbursement from the Virginia Department of Juvenile Justice for fifty percent (50%) of the compensation and travel costs of court service personnel (16.1-238). During recent years the City has been reimbursed at a rate significantly less than fifty percent of applicable costs. For instance, in FY05 the City received only twenty-one percent (21%) of personnel and travel costs from the Department of Juvenile Justice, which reflects a consistent pattern for FY04 and 03 fiscal years as well. Other local jurisdictions are advocating for the state to fund at the required amount.

Position: The City seeks an appropriation in the amount of \$122,116 to the City of Falls Church in each year of the Biennium Budget for a total appropriation of \$244,232. This appropriation will support the State's share of fifty percent of personnel and travel costs incurred by the City of

Falls Church in operation of a specialized Court Service Unit pursuant to Virginia Code Section 16.1-235B.

Funding

Transportation Funding

Background: Last year, the General Assembly was able to provide additional “one-time” funding for specific capital projects, but the goal of establishing a stable dedicated revenue source was not achieved. With the consequent decline in transportation funding, the state’s transportation infrastructure will fall further behind the demands placed upon it. Absent a major infusion of dedicated and sustained investment in transportation, the City fears a congestion and mobility crisis in Northern Virginia that will strangle economic growth and negatively affect the quality of life of our residents.

Last year a Blue Ribbon Panel was appointed to identify stable dedicated financing mechanisms to secure the Metro system. The City supports this effort to find new, dedicated revenue streams for WMATA’s operating and capital costs so that this transit system, which carries one fourth of the region’s daily commuter traffic, has a stable, predictable source of funding. The Compact jurisdictions stepped forward last year to fund the Metro Matters Program, which will meet \$1.8 billion in critical capital needs. Going forward, the full burden of Metro’s new capital needs should not be placed on the property tax payers of the Compact region. Representative Tom Davis III has introduced a bill to provide \$1.5 billion in new federal funding over ten years, but it must be matched from dedicated state/local sources. The City calls upon the General Assembly to respond to this effort at the federal level, take the recommendations of the Blue Ribbon Panel seriously, and develop a dedicated funding stream for WMATA’s new capital needs.

Position: The City calls on the General Assembly to provide significant increases in statewide transportation funding from stable, reliable and permanent sources; recognize that Northern Virginia has a major portion of statewide transit ridership that provides a very significant share of the commonwealth’s financial resources; and to ensure that this region receives its fair share.

The City supports the following additional transit related measures:

- meeting the commonwealth’s statutory goal of 95 percent of transit capital and operating costs (net of fares and federal assistance) from the Mass Transit Fund (MTF), which means an additional \$150 million for Northern Virginia;
- legislation that would allow an increase in Northern Virginia’s regional gas tax from two percent to four percent. In prior years, this legislation has passed in the Senate, but failed in the House of Delegates. This would reduce local government subsidies from Property Taxes;
- increasing the transit share of the Transportation Trust Fund from the current 14.7 percent to 19 percent, generating an additional \$20 million in transit funds for the region; and

- providing the full 20 percent state match for federally funded projects in regions subject to federal Congestion Mitigation and Air Quality (CMAQ) mandates.

Schools

The City Council supports the Falls Church School Board Legislative Program on the requirements for state funding of public education.

Libraries

Background: State Aid for Public Libraries was last fully funded as required by the State Aid Formula in FY2000. Funding has fallen short in each subsequent year and in FY2005 State Aid funding of \$16.3 million was only 66 percent of the \$24.7 million needed to fully fund the State Aid formula.

If the State Aid Formula had been fully funded in the FY2001 – FY2006 period the City of Falls Church library would have received \$352,665 additional State Aid dollars during this time. These monies would have been used exclusively to purchase library books, audio-visual materials, and periodicals for all ages and interests.

The Virginia Library Association (VLA) calls for a stepped increase in funding over the next three years to bring the state back up to full funding with a \$2.8 million increase in last year's funding amount as the first stepped increase.

Position: In order to build and promote better library service for all ages and nationalities, the City of Falls Church supports the Virginia Library Association's (VLA) legislative program for 2006 to fully fund State Aid by FY2009.

Law Enforcement Funding

Position: The City supports continued full funding of the HB 599 law enforcement program, to include continuation of annual increases in accordance with the State General Fund as required by Va. Code §§ 9-183.13 through 9-183.21. The State should fully fund its commitment to this public safety program so that the funding is stable and equitable and can be relied upon to help fund preparedness and other important local law enforcement needs. The City appreciates the actions of the 2004 General Assembly to fund the HB599 program for local police departments.

Predatory Towing

Background: The rise in complaints from visitors to City shopping centers, theaters, and restaurants who have been victimized by predatory towing practices has led the City to attempt

to look closely at the activities of tow truck operators in the City. The City has formed a Towing Advisory Board, which has produced a recommended ordinance for the Council's consideration.

In the 2005 Session of the General Assembly, Senate Joint Resolution 330 was adopted to commission a study of predatory towing practices. The City is particularly interested in the following items addressed by this study:

- requiring background checks and fingerprinting of persons engaged in the towing business;
- the fees charged by towing businesses in the event of non-consensual towing as well as the ceilings and other limitations placed on such fees by state law and local ordinances;
- the ability of local governments to prevent and eliminate price gouging by towing businesses through handling of complaints by local consumer affairs offices;
- the payment of towing and storage fees through mediums other than cash;
- clarification of which, if any, local towing ordinances apply in the case where vehicles are towed from one locality and stored in another;
- the need for photographic or other documentary evidence to substantiate reasons for towing of allegedly trespassing vehicles; and
- the need for improved and uniform signage to warn drivers that trespassing vehicles will be towed.

Position: The City supports legislation that provides local government greater authority to serve the public through regulating the fees and the practices of tow truck operators in the course of non-consensual towing.

“Dillon’s Rule”

Background: Thirty-nine states employ Dillon's Rule to define the power of local governments with varying degrees of flexibility. Dillon's Rule is derived from a decision by Judge John F. Dillon of Iowa in 1868 and maintains that local governments, as political subdivisions of a state, derive their authority through the state. Virginia takes a strict constructionist view of Dillon's Rule such that, if there is reasonable doubt whether a power has been conferred on a local government, it is generally construed to mean that the power has NOT been conferred.

This strict construction in Virginia limits the ability of local governments to act appropriately to provide for the public safety and welfare of its citizens. The delay necessary to obtain approval

from the State, and often, the outright refusal by the state to grant appropriate authority solve problems at the local level, frustrates the democratic process and causes harm to our citizens.

Position: The City supports the movement away from a strict constructionist view of Dillon's Rule towards a greater ability of localities to exercise powers that meet the needs of its citizens. The City calls for a relaxation in the application of Dillon's Rule in Virginia to allow localities to exercise powers that meet a reasonable test:

- “fairly implied” test: those powers that can be fairly implied from the powers granted by the state;
- “objects and purposes” test: those powers that are essential to the declared objects and purposes of state law.

Support Positions

Affordable Housing – Inclusionary Zoning

Background: Events in Arlington County have a potential impact on the City’s efforts to meet its affordable housing goals through development proffers. This year, the County established an Affordable Housing Roundtable to resolve issues stemming from a lawsuit and from damaging legislation introduced (but not passed) last year. In late October 2005, Arlington County announced that the Round Table process produced an agreement on a framework for gaining affordable housing units in the development process. Enabling legislation will be necessary to implement this Arlington County framework.

Position: The City opposes any amendments to State Code Sections 15.2-2304 and 2305 that are outside of the very deliberate efforts of both the Arlington County Roundtable and the Housing Commission’s Affordable Housing and Policy Work Group.

Affordable Housing – Condominium Conversions

Background: The Northern Virginia jurisdictions are experiencing a significant number of rental complexes converting to condominiums. This results in a significant loss of affordable rental units and high risk of displacement for tenants, especially the elderly and disabled.

Position: The City supports the following two changes to state law relating to condo conversion to help protect affordable housing:

- 1) Require that local governments be notified of proposed condominium conversions. Under current law, the owner of a building must notify the Virginia Real Estate Board at least sixty days prior to initiating a condominium conversion. The City supports legislation to require local government notification, as well, either directly by the owner, or by the Virginia Real Estate Board.
- 2) Allow certain qualifying tenants to assign their “right to purchase” to a government agency, housing authority, or non-profit housing corporation. Under current law, tenants in condominium conversions have the right to purchase their unit within sixty days after the owner registers the conversion with the Virginia Real Estate Board. Also under current law, disabled and elderly tenants are eligible for a three-year lease extension after conversion. The City supports new legislation that would allow any tenant that meets the current eligibility test for the three year lease extension, as defined under current law, to be able also to assign their “right to purchase” to a government agency, housing authority, or non-profit corporation, for the purpose of leasing that unit back to the tenant, and for the purpose of maintaining that unit as affordable housing on a permanent basis.

Affordable Housing – Discrimination Based on Income

Background: The Federal Fair Housing Act and Virginia Fair Housing Act prohibits discrimination by landlords based on certain characteristics, but source of income is not one of them. Increasingly, states and local governments are including source of income as a protected characteristic, due to evidence of discrimination by landlords against people receiving income assistance from the government. Protection can be established through an amendment to the Virginia Fair Housing Act (Section 36-96.1 and 36-96.1:1) that would include “source of income” as a protected class. This proposed amendment would not prevent the landlord from considering *amount* of income in determining whether or not to rent to a prospective tenant, as that is considered a legitimate business concern for the landlord.

Position: Recommend support for the inclusion of source of income as a protected class in the Virginia Fair Housing Act.

Affordable Housing – Policy Work Group Items

Over the past six months, the Housing Commission’s Affordable Housing and Policy Issues Work Group studied a host of issues relating to preserving affordable housing. The City’s Housing and Human Services staff participated in the Work Group’s efforts, and the City hosted one of the Work Group’s meetings at George Mason High School in July. The following items were raised by the Work Group, and may surface as issues in the upcoming session of the General Assembly.

Real Estate Assessments/ Relief for Below Market Rate Housing

Background: The Work Group considered draft language to amend Article 7 of Chapter 32 to add State Code Section 58.1-3295, which is intended set new rules on how Assessors of Real Estate consider the fair market value of real property that has been developed and restricted as affordable housing. Draft legislation presented to the Work Group would impact how the City assesses property taxes on units (rental and for-sale) built under the City’s ADU and Special Exception Zoning Ordinances as well as any federal and state affordable housing programs.

Currently, the City Assessor considers affordable housing restrictions when he sets the fair market value of affordable dwelling units. The draft legislation considered by the Work Group would require the Assessor to make judgments beyond fair market valuation, and would make cash contributions for affordable housing units creditable for real estate tax abatement.

Position: The City opposes any real estate tax abatement scheme for developers that goes beyond fair market valuation. The current practice of factoring affordable housing restrictions into the Assessor’s fair market value determination should be continued.

LIHTC Local Government Letters

Background: Applicants under the Low Income Housing Tax Credit (LIHTC) program have routinely opposed the “local government letter” as a score-able item under the Qualifying Action Plan (QAP) as there is a sense that jurisdictions can use this as method of preventing affordable housing in their community. The data indicates that there is minimal impact on the successful funding of an application based on a negative support letter.

Position: The City opposes any legislation that would make local government support (or lack thereof) of a given project no longer a score-able item in the competitive LIHTC program.

Zoning Exemption for Non-Profits

Background: Last year, the Rapidan Habitat for Humanity raised this issue because it perceived that local zoning regulations, specifically subdivision and lot sizes, precluded their ability to build affordable housing. The Work Group acknowledged the struggle to obtain affordable housing, but did not support the blanket exemption of non-profits from local zoning regulations. The Work Group did not take a formal position, but did direct Legislative Services to draft a bill for the Delegate of that area to consider filing.

Position: The City opposes any bill that would exempt non-profits from zoning regulations.

Workforce Housing

Background: The current State Code defines “Affordable Housing” as housing that is affordable to those making up to 80% of area median income. As many Northern Virginia jurisdictions, including the City of Falls Church, analyze the affordable housing needs of our citizens, the focus now includes workforce housing which may include households making 100 to 120 percent of area median income. In the City, staff is looking at the workforce housing definition as being up to 100% of the area median income.

Position: The City supports amending the State Code definition of affordable housing to define workforce housing as permitting income levels up to 120% of the area median income.

Community Housing Tax Credit

Background: The Work Group studied proposals to amend State Code Sections 58.1-339.11 and 58.1-439.12:02 relating to the Community Housing Tax Credit Program. The proposed changes would provide additional incentives to create affordable units, to provide tax credits for land acquisition, and to leverage the federal LIHTC program.

Position: The City supports these proposed changes to the Community Tax Credit in concept, but will monitor the text of the final language.

Alternative Tax Rate

Background: The Work Group considered amendments to 58.1-320.1 and 58.1-400.01 relating to Alternative Tax Rates on income derived from certain sales. The intent of the amendments would be to provide tax incentives to the sellers of multifamily housing to retain units as affordable, by providing the seller with a lower capital gains tax rate of 2.3%. The draft language raised several concerns for definition and implementation, so the Work Group tabled the item and requested Legislative Services to consider all comments and revise the text. This will be submitted to the full Housing Commission without a formal recommendation but with agreement on the value of such an approach.

Position: The City supports these proposed Alternative Tax Rate amendments in concept, but will monitor the text of the final language

Housing Rehabilitation Zones

Background: The Work Group considered amendments to Section 36-55.64 that would provide increased incentives to encourage rehabilitation in Housing Rehabilitation Zones. The proposed amendment would allow the City to establish, by ordinance, a housing rehabilitation zone for the purpose of providing incentives and regulatory flexibility in such zones. This is a component under consideration in the City's Affordable Housing Strategy Implementation Plan. It is also directly connected to the Council's Work Plan item: "City staff shall research whether affordable housing can be established through zoning overlay district or other similar means."

Position: The City supports the Housing Rehabilitation Zones amendments in concept, and will monitor the text of the final language filed for 36-55.64.

Funding for State and Local Affordable Housing Programs

Background: The Work Group considered ways to encourage localities to establish locally funded housing trust funds and to leverage those dollars to further affordable housing to include creating a pool state matching funds.

Position: The City supports state matching funds for Local Housing Trust Funds.

Business License Tax

Background: The Business, Professional and Occupational License (BPOL) Tax is an important part of the City's diverse tax base. Local governments, including the City, must retain control of their existing revenue sources so that the tax burden is spread evenly across the population, and allow local government to meet the needs of their citizens.

Position: The City opposes any effort by the General Assembly to further restrict the ability of local governments to set Business, Professional, and Occupational License tax rates and categories, and opposes any effort to increase the number of exemptions to this tax.

Cable Television Franchises

Background: Last year new entrants into the cable television industry pushed legislation to exempt themselves from the local franchise requirements that incumbent cable providers must operate under. This legislation was defeated but will likely be submitted again this year.

Position: The City shares the VML position that where competition exists in a locality, the market should become a major regulator of the quality and price of the service. However, basic elements must be preserved, including the revenues to the locality; sufficient tools to ensure quality of service; PEG (Public Educational and Governmental Access) Channels and the facilities to provide the channels; and Internet and cable to public facilities. Where multiple existing franchises exist, local governments must be able, at their option, to keep those franchises in effect.

Cigarette Tax

Background: During the 2005 session, the General Assembly asked the Department of Taxation (DOT) to “study the use of tax stamps by localities as evidence of the payment of local cigarette taxes by wholesalers and whether a single stamp could be issued for evidence that both taxes have been paid” (HJ Res 664). In short, this study asks DOT to consider taking over cigarette tax collection by local governments.

This could negatively affect the collection and distribution of cigarette tax money in Northern Virginia. Falls Church is a long time member of the Northern Virginia Cigarette Tax Board. Together with the County of Fairfax, Cities of Alexandria, Fairfax, Manassas and the Towns of Haymarket, Dumfries, Purcellville, Leesburg, Warrenton, Clifton, Herndon, and Vienna, we have an efficient and proven mechanism to collect and distribute cigarette tax receipts.

Position: The City opposes legislation that would cause DOT to take over collection of local cigarette taxes.

Civil Rights and Personal Freedom

Position: The protection of the civil rights of all people and expansion of individual freedoms are essential for maintaining and increasing the quality of life for all Falls Church citizens. The City of Falls Church supports legislation that protects and expands civil rights and personal freedoms, and opposes any legislation that is aimed at curtailing or diminishing those rights. To strengthen these protections, the City supports legislation that would: 1) prohibit discrimination

on the basis of sexual orientation; 2) prohibit employers from using genetic information for employment related purposes; 3) add sexual orientation to the hate crimes statute; and 4) protect the rights of immigrant populations.

Eminent Domain

Background: The recent Supreme Court ruling in *Kelo v City of New London* upheld a city's use of eminent domain to condemn privately owned real property so that it could be used for economic development. However, this ruling has prompted a negative reaction from state and federal legislators. A Housing Commission Work Group was formed this year to study Eminent Domain/Local Revitalization/Brownfield Remediation Issues. The Work Group conducted several meetings to analyze various perspectives on the issue, and developed draft amendments to both the Virginia Constitution and State Code. The Work Group developed a draft bill that would substantively narrow the definition of "public use" in State Code Section 15.2-1900. The Work Group also developed a Constitutional Amendment (Section II of Article I) to further define "public use".

Position: The City opposes any reduction of the eminent domain authority that is currently established in the Virginia Constitution and the State Code. The City is concerned about adverse effects on future projects under the Public Private Education Facilities and Infrastructure Act (PPEA) and Public Private Transportation Act (PPTA), and adverse effects in the areas of affordable housing redevelopment, and transportation and public uses related to its City Center Plans.

Environment – Disposal Ban on Rechargeable Batteries & CR Tubes

Background: Fairfax County has requested authority to ban the disposal of cathode ray tubes and rechargeable batteries from the County's solid waste management system. This is an important issue for the City, because the City is a contractual partner in the County's solid waste management system.

Current law (Section 10.1-14425.26) provides localities with authority to prohibit the disposal of cathode ray tubes in privately operated landfills, if the locality has implemented a recycling program from cathode ray tubes. The County seeks to modify this provision to allow the prohibition of cathode ray tubes from any solid waste management facility, and to add rechargeable batteries to that ban.

Cathode ray tubes and rechargeable batteries contain heavy metals that enter our waste disposal systems when they are thrown away in the trash.

The County has implemented programs for recycling cathode ray tubes and rechargeable batteries, so mechanisms are in place to provide an outlet for these materials when the County determines the recycling programs are sufficient to implement a disposal ban.

Position: The City supports the County's efforts to gain authority from the General Assembly to ban cathode ray tubes and rechargeable batteries from the solid waste management system.

Environment – Water Quality Improvement Fund

Background: In 2004, the General Assembly appropriated new funding in the amount of \$15 million each year of the biennium for the Water Quality Improvement Fund (WQIF), and this amount was increased by \$50 million in 2005. This increase is still inadequate to meet the enormous costs of meeting the goals of the Chesapeake 2000 Agreement.

Position: The City supports increased funding for the Water Quality Improvement Fund, and supports a dedicated source of revenue.

Environment – Tree Preservation

Background: The City has long been recognized for its healthy and mature tree canopy, and has enjoyed the designation of "Tree City USA" by the National Arbor Foundation for the past 27 years. The City's oldest civic association, the "Village Preservation and Improvement Society", was founded in 1885 for the primary purpose of planting and cultivating trees. It is natural, then, that the City was also one of the first localities in the State to adopt a tree preservation ordinance, and the City consequently benefits from some "grandfathered" authority under that ordinance.

Fairfax County has repeatedly sought amendments to Virginia Code Section 15.2-961 that would allow localities to require the preservation of trees during the development process. Current state law deals with tree canopy replacement and provides minimal incentives (and limited authority) for tree preservation. Proposed legislation would allow local authorities to require tree preservation as well as tree replacement.

Position: The City supports legislation to give localities greater latitude in preserving existing trees during the land development approval process.

Land Use – Adequate Public Facilities

Background: Current state land use authority is often inadequate to allow local governments to provide for growth in a manner that protects and improves the quality of life in our communities.

Position: The City supports action by the General Assembly to authorize local governments to implement growth management policies, such as adequate public facilities ordinances and proffers in order to enable localities to facilitate orderly, rational growth in a manner appropriate to their communities.

The City also calls for the General Assembly to maintain current authority in the state code to allow conditional zoning rules to balance the financial impact created by residential and other development in addition to adopting new powers such as adequate public facilities, adequate educational facilities and impact fee legislation. (From the VML 2006 Policy Statement.)

Libraries – Distribution Formula for State Aid

Background: The Library of Virginia is conducting a study of public library service in Virginia, and this study will recommend changes to the distribution formula for state aid to public libraries. At issue is the cap on population (currently 600,000) in the current formula. Certain large localities feel that they are penalized by this 600,000 cap and have asked that the formula be changed. In prior years, legislation to have the formula changed has failed, and it is hoped that a methodical study of the formula will produce an equitable solution.

The Mary Riley Styles Public Library (MRSPL) would potentially receive less State Aid money if the formula is changed to meet the needs of larger localities, as less money would be left over for smaller localities. However, if the formula is changed in other areas (for instance, if the level of local support of the library budget is given greater weight), Falls Church could see little negative impact for the change.

The Virginia Library Association (VLA) opposes any change to the current distribution formula until the study is complete, and a full discussion of its findings by the Virginia library community has occurred.

Position: The City supports the VLA position of “no formula change” until the completion of the Virginia State Library study and a full discussion of its recommendations by the public library community. The City will oppose changes to the distribution formula that harm the City and other small localities.

Libraries – Funding for Find It Virginia!

Background: Find it Virginia! is a cooperative project of the Library of Virginia and Virginia’s public libraries, K-12 school libraries, and Community College libraries, which is designed to promote and support public access computing, Internet connectivity, and quality information resources in all Virginia libraries. Mary Riley Styles Public Library and other libraries in the Commonwealth benefit from the volume pricing that the State negotiates and pays for which then helps libraries use local moneys for other needed resources. It will require \$1 million of new state funding to expand this important program with additional databases and to accommodate annual program cost escalation to prevent service reduction. These funds will provide additional resources to all Virginians including after school homework help for students.

Position: The City joins the Virginia Library Association in calling for \$1 million in new state funding to license Find it Virginia! for ALL public libraries, K-12 and Community Colleges and to accommodate annual program cost escalation.

Public Library Internet Access

Background: The Mary Riley Styles Public Library currently does not filter its public Internet workstations. Last year bills were introduced (HB 189 and HB475) to require ANY library that receives State Aid to filter. These bills failed to pass last year by a very narrow margin and will be brought forward again this year.

In 1998, the Virginia General Assembly addressed the issue of Internet Access in public libraries (Virginia Code 42.1-36.1). Under that law, each library is required to have a locally approved Acceptable Use Internet Policy (AUIP) in place, which the Mary Riley Styles Public Library does. The policy is locally reviewed and approved every two years and submitted to the Library of Virginia. This law supports decision making closest to the community affected and gives each locality the ability to decide what measures are most appropriate to regulate Internet access in their public libraries. In a time of reduced State Aid the General Assembly should not impose an unfunded mandate on jurisdictions to spend very scarce local dollars to comply with a statewide Internet filtering requirement. The law, as enacted, is working; there have been few incidents reported.

Position: The City strongly supports existing policy, whereby Internet access in public libraries is regulated through locally developed and approved acceptable use policies. The City joins the VLA in opposing any unfunded mandate to filter Internet access in public libraries.

Public Safety – Dangerous Weapons in City Facilities

Background: Local governments are singled out for special treatment under Virginia law with respect to the ability to prohibit dangerous weapons from being carried into their buildings and facilities. Virginia law generally prohibits firearms and other dangerous weapons to be carried in places of worship, courthouses, and schools. This general prohibition does not extend to public facilities such as City owned libraries, recreational centers, or meeting halls. Virginia law allows private property owners to prohibit a person from bringing dangerous weapons onto their property, yet local governments are prohibited from acting in similar fashion to restrict the possession of firearms in their buildings. The City supports changes to state law to allow local governments to create a weapons-free environment in publicly owned facilities.

Position: In order to strengthen the public's confidence in their security and safety in public facilities, the City of Falls Church supports state legislation to allow the City to prohibit the carrying of firearms into any City owned property or facility, including recreational facilities and libraries, City administrative offices, and the meeting rooms where Council and other boards and

commissions formally meet to conduct the City's business. The City would accept an exclusion for holders of a concealed weapon permit.

Public Safety – Teen Driving

Background: Motor vehicle crashes are the leading cause of death for teenagers nationwide. Teen drivers are more likely to be involved in a car crash than any other group. National experts indicate that teen drivers killed in motor vehicles had a young passenger in the car 45 percent of the time. More than one-third of teen fatalities involve speed. Teenagers make up 7 percent of all drivers, but suffer 14 percent of fatalities and 20 percent of accidents nationwide.

Position: The City supports the following initiatives that appear in the Fairfax County legislative program:

- amend current laws that limit underage passengers under the age of 18 by changing them from secondary to primary offenses;
- ban the use of wireless communication devices while operating a vehicle by drivers under the age of 18; and
- review laws and success rates in other states that have enacted a Graduate Driver's License (GDL) Program for possible additional legislation.

Regional Positions

Psychiatric Bed Crisis in Northern Virginia

The lack of access to psychiatric beds in private hospitals is causing Northern Virginia public safety and CSB staff to devote increasing resources to finding beds for, and holding and transporting, persons who are under an Emergency Custody, Temporary Detention, or Commitment Order. The region's CSBs have proposed a series of solutions to this problem, which include the following budget proposals:

- Increase the daily rate paid to hospitals for Temporary Detention Order (TDO) beds and provide funding for this increase. In the last year, Northern Virginia lost about 14 percent of the total number of available TDO beds. Although there is sufficient licensed capacity in Northern Virginia if all beds are operating and fully staffed, many facilities are not using their licensed bed capacity. Staff believes that private hospitals would open more licensed beds for TDO patients if the rate were increased.
- Amend the current (FY06) state budget by adding \$615,000 for the purchase of psychiatric beds, including TDO beds, in Northern Virginia. The FY 2006 budget for Local Inpatient Purchase of Services in Northern Virginia is \$2,335,679, while expenditures are expected to exceed \$2,950,000.
- Include \$965,000 in ongoing funding to provide the community services needed to successfully discharge 25 patients who are on the Extraordinary Barriers to Discharge List at Northern Virginia Mental Health Institute (NVMHI). The NVMHI, with 129 beds, routinely operates at full capacity and often cannot accommodate additional patients who need inpatient psychiatric services. A number of the NVMHI beds are filled by persons who are ready for discharge and could be served in the community if alternative services were available. These freed-up beds could then be used as TDO beds.

Pedestrian Safety

Pedestrian safety is a major issue for Northern Virginia localities. The high volume of traffic often makes it difficult for pedestrians to cross roads, even at crosswalks. Current law (Va. Code § 46.2-924) requires drivers to yield, but not stop, at any clearly marked crosswalk where the speed limit does not exceed 35 miles per hour. Many Northern Virginia elected officials and residents believe that pedestrian safety would be enhanced if drivers were required to stop for pedestrians at crosswalks. Consequently, the region will seek legislation that would require all drivers statewide to stop, not yield, at all marked crosswalks.

Increased State Funding for Certain Court System Employees

Fairfax County is also asking the region to support increased state pay for magistrates, district court employees, public defenders, and for probation office staff in the upcoming Session. The County believes that higher than normal turnover in some of these positions is indicative of inadequate pay. Since these are state employees it is appropriate for the State to address any pay inadequacies. The Northern Virginia region supports this budget proposal.

Restrictions on Services to Immigrants and Related Issues

Immigration policy and enforcement of federal immigration laws is increasingly becoming an issue in Virginia and other states. Estimates by the Pew Hispanic Center and other researchers place the number of illegal immigrants in the United States in excess of 10 million. While many would characterize these people as integral to the ongoing economic prosperity of the country, others complain that illegal immigrants make use of government resources that should go to citizens and legal immigrants. Dealing with the issue of illegal immigration is a very complex matter. Legislation passed overwhelmingly by the 2005 General Assembly prohibits state or local governments from giving illegal immigrants any public services, yet even that legislation provided for exceptions that allowed public services to continue for some illegal immigrants, such as children. It is also unlikely that anyone would object to extending benefits to illegal immigrants that would also benefit the public at large (e.g., treatment of communicable diseases).

Some local governments have recently funded day labor centers, where employers can hire day laborers, some of who may be illegal immigrants. In these cases, the local governments are trying to deal with issues that have nothing to do with illegal immigration such as day laborers congregating outside small retail establishments and businesses. The construction of centers in these cases gives the day laborers a place to gather and wait for jobs without blocking store or other business entrances. Local governments are best suited to determine whether a day labor center helps the locality deal with a community problem.

Some state and federal officials have also proposed that local law enforcement officers should help enforce federal immigration laws. Local governments oppose this proposal, at least in part because no money is being provided to reimburse local governments for these costs (this would be an unfunded mandate). Illegal immigration is a federal problem and a federal crime that should be addressed by the federal government.

Northern Virginia supports stricter federal action to improve the enforcement of federal immigration laws and policies. The region opposes new federal or state actions that would compromise its ability to deliver traditional local government programs and services that benefit the community. The region further opposes legislation that would mandate local government enforcement of federal immigration laws by local law enforcement officers or other local officials.

BRAC [Base Closure & Realignment]

Northern Virginia supports inclusion of sufficient funds in the state budget to:

- support retention of the military research functions in the region, and oppose efforts by any other state to seek their relocation;
- assist in recovery from the significant economic impacts of the BRAC process; and
- ensure significant fiscal resources to address the enormous planning and transportation issues raised by the relocation of more than 21,000 defense workers to Ft. Belvoir and Quantico.